

COUNCIL COMMUNICATION

DATE: June 16, 2003	SUBJECT: FINAL READING OF ORDINANCE NO. 2003-O-137 AMENDING SECTION 2-3(d) OF ARTICLE I OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, IN ORDER TO CONFORM THE SCHEDULE OF CHARGES FOR COPIES OF PUBLIC INFORMATION WITH THAT SPECIFIED BY THE PUBLIC INFORMATION ACT, TEXAS GOVERNMENT CODE, SUBCHAPTER F; AND PROVIDING FOR PUBLICATION.	
INITIATED BY: CYNTHIA COLLAZO ASSISTANT CITY MANAGER		STAFF SOURCE: BLASITA J. LOPEZ PUBLIC INFORMATION OFFICER
PREVIOUS ACTION: The ordinance was introduced on June 2, 2003.		
<p>BACKGROUND: The Public Information Act provides that the Texas Building and Procurement Commission [formerly the General Services Administration] shall adopt rules for use by each governmental entity in Texas in determining charges for public information and that such rules be used by each governmental body in determining the charges to be made for providing such information. This ordinance amends Section 2-3(d) in order to have it conform with the relevant sections of the Texas Administrative Code having such rules. The salient changes to our existing rules are as follows:</p> <ol style="list-style-type: none">1. Cost of reproducing standard copies is reduced from \$0.15 to \$0.10;2. Deletion the provision relating to \$0.85 cents for first page in a request for more than 50 pages;2. The charge for personnel costs in processing a request is specified at \$26.00 an hour for services of a programmer, and \$15.00 an hour for any other employee3. No personnel charge can be made for any request which that are for 50 pages or less;4. Adding list of charges for non-standard items, such diskettes, magnetic tapes, tape cartridges, oversized paper copies, mylar, blueline paper, postage and shipping charge, and other resource charges		
FINANCIAL: Unknown at this time.		
RECOMMENDATION:		STAFF RECOMMENDATION: That this ordinance be approved.

ORDINANCE NO. 2003-O-137
AMENDING SECTION 2-3(d) OF ARTICLE I OF CHAPTER 2,
ADMINISTRATION, OF THE CODE OF ORDINANCES, IN
ORDER TO CONFORM THE SCHEDULE OF CHARGES FOR
COPIES OF PUBLIC INFORMATION WITH THAT
SPECIFIED BY THE PUBLIC INFORMATION ACT, TEXAS
GOVERNMENT CODE, CHAPTER SUBCHAPTER F; AND
PROVIDING FOR PUBLICATION.

WHEREAS, Section 2-3(d) of Article I of Chapter 2 of the Code of Ordinance sets forth the schedule of charges made by the City for providing copies of public information; and

WHEREAS, the Public Information Act, in its Section 552.262 of the Government Code, provides that the General Services Administration shall adopt rules for use by each governmental body in determining the charges for making public information and that such adopted rules shall be used by each governmental body determining the charges to be made for providing copies of public information; and

WHEREAS, pursuant to that statutory authority, the former General Services Administration, which is now known as the Texas Building and Procurement Commission, created the rules for charging for public information which are set forth in Sections 111.61 to 111.71 of the Texas Administrative Code;

WHEREAS, the City Council considers it necessary to reconcile our current Section 2-3(d) with Section 552.262 of the Government Code, by making some amendments to Section 2-3(d) to have it conform to the charges specified in Sections 111.61 to 111.71 of the Texas Administrative Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Section 2-3(d) of Article I of Chapter 2 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 2-3. Fees for city services.

(d) Charges for copies of public information, except as provided elsewhere herein.

(1) Definitions.

a. *Actual labor charges* shall mean the personnel costs associated with taking requests, locating documents and reproducing the requested information and shall be computed by ~~multiplying the amounts of time actually spent on these activities times the salary rate of the employee performing these activities.~~ at the rate of \$15.00 per hour, including fringe

benefits except that in the case of a programmer, the rate shall be \$26.00 an hour, including fringe benefits.

b. *Nonstandard size copy* shall mean, if available, a copy of public information that is made available to a requestor in any format other than a standard size paper copy. Microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, ~~and nonstandard size paper copies~~ are examples of "nonstandard size copies."

c. *Programmer* shall mean a person who develops or enhances high level code or computer language for a computer system in order to execute a specific process or application.

d. *Readily available information* shall mean information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring programming, or information that already exists on microfiche or microfilm. Information that requires a substantial amount of time to locate or prepare for release, being that it is located in more than one (1) building or a remote storage facility is not "readily available information."

e. *Standard size copy* shall mean a printed impression on one (1) side of a piece of paper that measures up to eight and one-half (8 ½) by fourteen (14) inches. Each side of a piece of paper on which an impression is made is counted as a single-copy. A piece of paper that is printed on both sides is counted as two (2) copies.

f. *Over head charge.*

- (i) Whenever any personnel charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific personnel charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the schedule set forth in this ordinance.
- (ii) An overhead charge shall not be made for requests for copies of 50 pages or fewer of standard paper records.

(2) For open records requested by members of the public, the following charges shall be made:

a. ~~For fifty (50) pages or less. The charge for standard paper copies of readily available information which is reproduced by means of an office machine copier or a computer printer, the charge shall be ten cents (\$0.10) per page for standard size copies or the cost of nonstandard size copies (if applicable) shown in subsection d. below.~~

b. ~~For more than fifty (50) pages of readily available information, the charge shall be eighty-five cents (\$0.85) for the first page and fifteen cents (\$0.15) for each additional page for standard size copies or the cost of nonstandard size copies (if applicable) shown in subsection d. below.~~

(b) The charges in this subsection are to cover the cost of materials on to which information is copied and do not reflect any additional charges that may be associated with a particular request

~~e. For any quantity of information which is not readily available, the actual charge shall be the combined components of seventy cents (\$0.70) for the first page and fifteen cents (\$0.15) for each additional page thereafter for standard size copies or the cost of nonstandard size copies (if applicable) shown in subsection d. below, plus actual labor costs incurred in providing the requested information.~~

(c) Personnel charge: With regard to personnel costs the following applies

(1) The charge for personnel costs incurred in processing a request for public information is \$26.00 an hour for programming personnel and \$15.00 per hour for personnel other than programming, and the charge may include the actual time spent to locate, compile and reproduce the requested information.

(2) No personnel charge shall be billed in connection with complying with requests that are for 50 or less pages of paper records, unless the documents to be copied are located in:

- (i) two or more separate buildings that are not physically connected with each other; or
- (ii) a remote storage facility

(3) Overhead charge.....20 percent of personnel charge

d. The charges for nonstandard size copies, if available, are as follows:

- 1. ~~Diskette, each . . . \$ 1.00~~
- 2. ~~VHS audio cassette, each . . . 2.50~~
- 3. ~~Audio cassette, each . . . 1.00~~
- 4. ~~Nonstandard paper copy, each . . . 0.50~~

(A) Diskette.....\$1.00 each;

(B) (i) Magnetic tape - 4 mm.....\$13.50 each

(ii) Magnetic tape - 8 mm.....\$12.00 each

(iii) Magnetic tape- 9-track..... \$11.00 each

(C) (i) Data Cartridge-2000 Series.....\$17.50 each

(ii) Data Cartridge-3000 Series.....\$20.00 each

(iii) Data Cartridge-6000 Series.....\$25.00 each

(iv) Data Cartridge-9000 Series.....\$35.00 each

(v) Data Cartridge-600A..... \$20.00 each

(D) (i) Tape Cartridge-250MB.....\$38.00 each
(ii) Tape Cartridge-525MB..... \$45.00 each

(E) VHS video cassette.....\$2.50 each

(F) Audio cassette..... \$1.00 each

(G) Oversized paper copy..... \$0.50 each

(H) Mylar (36-inch, 42-inch, and 48-inch):

(i) 3 mil.....\$0.85 per linear foot.
(ii) 4 mil.....\$1.10 per linear foot
(iii) 5 mil..... \$1.35 per linear foot

(I) Blueline/blueprint paper (all widths).....\$0.20 per linear foot

(J) Other.....Actual cost

(e) Postage and shipping charge: The actual cost of postage and shipping may be charged (if applicable) on any amount of copies requested.

e. Fax charges may be charged (if applicable) on any amount of copies requested as follows:

1. Local, per page . . . \$ 0.10
2. Long distance, same area code, per page . . . 0.50
3. Long distance, different area code, per page . . . 1.00

(f) Microfiche or microfilm charge

(A) Paper copy.....\$0.10 per page
(B) Fiche or film copy..... Actual cost

f. The actual cost of miscellaneous supplies, such as labels, boxes and other supplies used to produce the requested information may be added to the total charge for public information:

(g) Remote document retrieval charge.....Actual cost

(h) Computer Resource charge

(A) Mainframe.....\$10.00 per minute
(B) Midsize..... \$1.50 per minute
(C) Client/Server.....\$2.20 per hour
(D) PC or LAN..... \$1.00 per hour

- (i) Miscellaneous supplies..... Actual cost
- (j) Photographs..... Actual cost
- (k) Other costs..... Actual cost
- (l) Outsourced/contracted services..... Actual cost
- (m) No sales tax shall be applied to copies of public information

(3) An officer for public information or the officer's agent may require a deposit for payment of anticipated costs for the preparation of a copy of public information if the charge is estimated to exceed one hundred dollars (\$100.00).

(4) A charge may not be imposed for making available for inspection and not a copy of any public information that exists in a paper record, except that if a requested page contains confidential information that must be edited from the record before the information can be made available, then the charge of ten cents (\$0.10) per page for the cost of the copy from which the information must be edited shall be made.

Section 2: This ordinance shall become effective as and from the date of publication as required by Section 2.9 of the Charter .

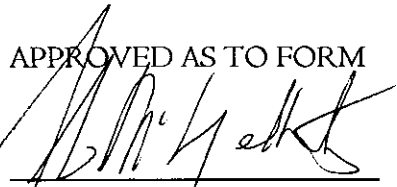
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
16TH DAY OF JUNE, 2003


 ELIZABETH G. FLORES
 MAYOR

ATTEST


 GUSTAVO GUEVARA, JR.
 CITY SECRETARY

APPROVED AS TO FORM


 JAIME L. FLORES
 CITY ATTORNEY